United Nations S/PV.6707

Security Council

Sixty-seventh year

Provisional

6707th meeting

Wednesday, 25 January 2012, 10.30 a.m.

New York

President:	Mr. Sangqu	(South Africa)
Members:	Azerbaijan	Mr. Mehdiyev
	China	Mr. Yang Tao
	Colombia	Mr. Osorio
	France	Mr. Araud
	Germany	Mr. Wittig
	Guatemala	Mr. Rosenthal
	India	Mr. Hardeep Singh Puri
	Morocco	Mr. Loulichki
	Pakistan	Mr. Haroon
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Churkin
	Togo	Mr. Menan
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

The situation in Libya

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

12-21455 (E)

Please recycle

The meeting was called to order at 10.45 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President: Under rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Ian Martin, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Mr. Martin.

Mr. Martin: When I last briefed the Council a month ago (see S/PV.6698), I noted that the public mood in Libya was gradually changing as it increasingly demanded improved institutional performance that meets popular expectations, and accountability and transparency in public affairs; and that as the countdown towards elections began, civil society was becoming increasingly assertive in monitoring and critiquing the performance of the National Transitional Council (NTC) and the Government. Criticism of Libya's interim leadership has grown, and in recent days has been expressed in ways that go beyond a healthy democratic spirit, including some physical violence, and has led to the resignation of the Vice-Chairman of the NTC.

Meanwhile the challenge of reconciliation has been highlighted in the most serious way by the outbreak of fighting in Bani Walid. Last week, Chairman Abdul Jalil discussed with me the challenges the NTC has been encountering in its efforts to appoint new leadership of the local councils in Bani Walid and Sirte that would be broadly acceptable to the people of each city. In the case of Bani Walid, an NTC committee had held local discussions with all stakeholders in efforts to find a solution. Following my Deputy's visit to the two cities on 3 and 4 January, the United Nations Support Mission in Libya (UNSMIL) issued a call for more attention, including focused reconciliation efforts to accelerate their full return to normalcy, and we have pursued this in our contacts with the authorities.

Regrettably, in the charged local atmosphere, a security-related incident triggered clashes between members of the local population and the revolutionary brigades stationed in the city, as a result of which several were reportedly killed. This has been misreported as pro-Al-Qadhafi forces taking back control of the city. The Government responded by dispatching units from the national army, and is currently engaging with all stakeholders to contain the situation and address the underlying security and political challenges in Bani Walid.

In very different ways, each of these developments indicates the problems associated with the transitional period while the interim authorities continue to lack the full legitimacy of elected bodies, at both the national and the local levels. The protests in Benghazi began as part of a movement to "correct the path of the revolution" and appear to have been triggered following widely publicized comments in early December, made as part of the debate regarding national reconciliation, about a possible amnesty being granted to former Al-Qadhafi fighters or members of his regime. The protests acquired momentum as they evolved into a platform critical of the NTC's performance. Demonstrators focused their demands on calls for greater transparency and accountability, as well as the needs of the war wounded. There have also been calls for supporters of the former regime to be barred from the political process and purged from all State institutions, and for the reappointment of local councils based on local elections. Public frustration regarding the perceived shortcomings in delivery by the Government is growing.

When full legitimacy can be established only by elections, some interim legitimacy must be accepted to determine the framework for the first elections, which is a key responsibility of the NTC. The interim Government was established only in late November, after months during which there was an almost complete vacuum of governance. Transparency, communication and consultation are indeed important elements of fostering confidence and trust in the interim authorities.

But the handicaps are not only on the part of Libya's leadership. Libya's new media are as yet very far from being a reliable channel to convey correct information to the public, and civil society is only beginning to organize itself into forms that facilitate consultation. The former regime may have been toppled, but the harsh reality is that the Libyan people continue to have to live with its deep-rooted legacy: weak, at times absent, State institutions, coupled with the long absence of political parties and civil society organizations, which render the country's transition more difficult. This is further complicated by what was a systematic distortion of the country's socio-political fabric.

Those of us who engage with the interim Government meet committed and capable ministers struggling to address major challenges with little support in a context of institutional inexperience and an over-large bureaucracy of uncertain competence and allegiance. But the public experiences only the delay in delivery of funds and services. The agreement of the Sanctions Committee to the request for the delisting of the Central Bank and the Foreign Bank has cleared the way to overcoming the crisis of liquidity, but this is barely beginning to be experienced by national and local institutions, let alone by the public at large.

The combination of a tight timeline, inexperience in drafting electoral legislation, shortcomings in communication and the lack of proper mechanisms for consultation have set limitations to the process of drafting the electoral law. The NTC and most stakeholders have remained determined that the commitment in the Constitutional Declaration to electing a national congress by late June must be respected. This has left little time for consultations on the legislative framework, which must embody some difficult and inevitably controversial political choices.

Within the limits of the time available, the NTC electoral committee made real efforts to engage the public, publishing the draft law and convening or participating in a number of public consultations. It also welcomed close engagement with the UNSMIL electoral team, adopting many of its technical recommendations, as well as responding to concerns expressed in the public consultations. As a result, we believe that both the main electoral law and the parallel electoral administration law, which establishes a 17-member high national electoral commission, gained in clarity and focus. UNSMIL had presented its concerns in regards to the restrictions in the eligibility criteria for voters and candidates alike, and welcomes some progress in making these criteria more inclusive.

Criticism that public consultation has, however, been inadequate is sharpened by the fact that the proposed division of the country into constituencies and allocation of seats has not been published and remains under discussion by the NTC. Political groupings are concerned that the law makes no mention of the rights and responsibilities of political parties. Of particular concern to UNSMIL, and indeed to the Secretary-General, is the rejection by the full NTC of the proposal by the electoral committee that would have ensured the presence of at least 10 per cent of women in the National Congress — a proposal that some women's groups and civil society voices rejected as insufficient, while according to the electoral committee there did not appear to be general public support for any quota.

The NTC has adopted the electoral administration law and appointed the High National Electoral Commission, and had intended also to announce the main electoral law on 22 January. Amid the protests in Benghazi, however, the NTC decided to continue consultations and to consider further amendments until 29 January. UNSMIL's electoral experts remain engaged with the NTC team, and are opening discussions with the Chairman of the High National Electoral Commission regarding United Nations support during the operational stage ahead. We particularly hope that the extended period may allow for reconsideration of the case for special measures to promote the representation of women.

As I have highlighted in all my previous briefings to the Council, security remains a major concern. Events on the ground over the past month highlight the risks associated with both the continued abundance of weapons on the streets and the diverse armed brigades in the country with unclear lines of command and control. In the capital, clashes in early January between rival brigades from Misrata and Tripoli resulted in several fatalities and injuries; armed clashes later in the month between brigades in Gheryan and Al-Asabah, and earlier this week in Bani Walid, required high level intervention to put an end to the fighting. Although authorities have successfully contained these and other more minor incidents that continue to take place across the country on a regular basis, there is the ever-present

possibility that similar outbreaks of violence could escalate and widen in scope.

Those at the head of the interim Government regard it as their highest priority to assert the authority of the State and address the future of the members of the brigades. The success of any integration process will hinge on the ability of the authorities to conduct consultations with relevant stakeholders to forge a consensus on the way forward, including agreement on processes for the integration or reintegration of ex-combatants, while at the same time setting up workable mechanisms to deal effectively with security challenges, including those related to the upcoming election. As experience has shown elsewhere, this process cannot be treated as a purely technical exercise, but requires a political framework to ensure its viability.

Amid some initial confusion, an inter-ministerial committee has initiated a process for registering ex-combatants, the first phase of which will be carried out by local councils across the country. Information collected would then be centrally processed, to be followed by the referral of registrants to the Ministries of the Interior, Defence or Labour in accordance with their preferred option. UNSMIL and the United Nations Development Programme are in discussion with the relevant ministries and bodies about their needs for technical assistance.

As regards the police, the Ministry of the Interior faces the dual challenge of integrating ex-combatants at the same time as it strengthens and reforms the inherited police force, its training and administration. At the request of the Minister, UNSMIL is increasing its direct advisory support within the Ministry, as well as supporting its overall coordination of international assistance. Several Member States have come forward with offers of training and other assistance, and some have signed bilateral agreements to support the police force in a number of areas. UNSMIL's assistance includes supporting the Ministry in the development of a training strategy and curricula for a number of courses, including for election security.

Following the mandate given to UNSMIL in resolution 2022 (2011), I am now supported by a special adviser on the threats and challenges posed by arms and related materiel in Libya. Among his responsibilities is the continuing coordination of efforts around the identification and eventual control of man-portable air defence systems (MANPADS) and other explosive remnants of war, ammunition storage management and mine action. UNSMIL has further strengthened its team by bringing in a MANPADS expert to support ongoing mapping efforts and an arms registration advisor.

The joint United Nations/African Union mission to several Sahel countries in December confirmed previous assessments that there is as yet little evidence that MANPADS have been smuggled out of Libya in significant numbers. This reinforces the need to focus on arms control measures within Libya. In this respect, UNSMIL has started co-hosting with the Ministry of Defence an operational sub-group on MANPADS, which coordinates the bilateral mapping and identification efforts currently under way. While so far 123 weapons holding sites have been visited and an estimated 5,000 MANPADS systems and components have been accounted for, access to many of the holdings of brigades remains a challenge.

A number of donors have come forward to lend their support for action against landmines and explosive remnants of war in the period since I last briefed the Council, and I express my thanks for this generous response. We now have 28 clearance teams and 30 risk education teams working throughout the country. New reports of mines and explosives contamination, however, are being recorded almost on a daily basis. The current capacity on the ground remains insufficient to meet the growing demand and, in the short term at least, greater external financial support remains necessary to tackle this issue effectively until Libyan funding becomes available.

There also has been further progress in the inspection and verification of chemical materials, particularly of those previously undeclared materials located after the end of the previous regime and identified by the new Libyan authorities in their declaration of 28 November. From 17 to 19 January, inspectors of the Organization for the Prohibition of Chemical Weapons (OPCW) visited the sites and verified the declared chemical weapons, which consist of sulphur mustard agents that were not loaded into munitions. Libya must now submit to the OPCW a plan and timeline for the destruction of the declared materials by the end of April. Several Member States have indicated their support in this effort. Regarding nuclear materials, the eventual sale and transfer of the

6,400 barrels of nuclear material stored in Sabha remain a key priority.

The concerns of Libya's neighbours regarding arms proliferation are mirrored in Libya's own concern that former Al-Qadhafi supporters may be regrouping and training in neighbouring countries in order to destabilize parts of Libya. This, together with an increase in illegal immigration and drug trafficking at its southern borders, has led border security and management to become a top priority of the interim Government. To this end, UNSMIL has now convened two coordination meetings with senior representatives of the Ministries of Defence, Interior, Finance and Foreign Affairs and relevant bilateral partners to identify Libya's priority needs in this area and to facilitate offers of assistance. UNSMIL is coordinating closely with the European Union, which is fielding its border management assessment team in February. The Office of the United Nations High Commissioner for Refugees and the International Organization of Migration are participating in a sub group on illegal immigration and supporting the Libyan authorities regarding the current influx of Syrian refugees via the Egyptian border.

On all of these issues, an intensified dialogue with Libya's neighbours on the threats emanating from a porous regime on both sides of Libya's borders is indispensable and has been promoted by the first visits of Libya's Minister of Foreign Affairs to Niger, Mali and Chad. Chairman Jean Ping told me during his recent visit to Tripoli of his positive discussions with the Government, and welcomed the intention of Prime Minister El-keib to head Libya's delegation to the African Union summit later this week.

The Council is about to hear from the High Commissioner for Human Rights, so I will limit my own remarks regarding human rights issues. I regret to report that there has been only limited progress regarding the situation of detainees since I last briefed the Council, with the justice system continuing to face significant challenges in its operations. To date, the Ministry of Justice has been able to manage six transfers of detention facilities from brigades to the Ministry, two since my last briefing. The process of transferring facilities is hindered by many factors, including insufficient numbers of judicial police who carry out core prison administration functions. UNSMIL continues to press the Government to expedite those handovers, so that a comprehensive review of cases of detainees can be undertaken, culminating either in their release or in formal charges in accordance with legal standards. The large detainee caseload is taxing the Ministry's current level of capacity, with frustrations mounting, which culminated into a riot two weeks ago at one facility by inmates protesting their continued detention without due process.

The outbreaks of local conflicts highlight the pressing need to adopt and implement a national framework for transitional justice and reconciliation. Towards that end, the NTC has adopted a law on transitional justice, but has so far not made it public, pending the further development of the judicial and legal institutions necessary to implement its provisions. In that regard, UNSMIL, in partnership with the Ministry of Justice, as well as with the United Nations Development Programme and the United Nations Office on Drugs and Crime, organized a conference from 23 to 25 January to discuss advancing the transitional justice agenda with national Government counterparts and members of civil society. The conference was opened by the Prime Minister, who stressed the importance of transitional justice to Libya's progress.

With regard to Libya's efforts to locate and identify missing people, the Government has decided to incorporate that responsibility within the Ministry for the Assistance to the Families of Martyrs and Missing Persons, and to dissolve the commission that had been established last October. UNSMIL remains committed to supporting those efforts within whatever framework the Government decides, and has urged that the transfer to the Ministry should not prevent the process for the search for, and identification of, missing persons from remaining neutral and independent, and implemented in accordance with international standards. The Prime Minister and other Government officials have assured us that those principles will continue to guide the Government's actions.

A positive step towards advancing the protection of human rights in Libya has been the NTC's establishment in December of the National Council for Public Liberties and Human Rights. The 11-member Council, comprising human rights defenders including women and youth, is currently engaging in consultations with Government officials, civil society and the international community while they prepare

their start-up. UNSMIL will be providing technical assistance in response to their request.

My Deputy, as Humanitarian Coordinator, and the Libyan Humanitarian Relief Agency continue to discuss with representatives of the Tawergha community displaced in Benghazi and representatives of the local council ways to address ongoing humanitarian needs, as well as the possibilities of promoting a durable solution to this issue. Approximately one half of the remaining internally displaced persons in the country are Tawerghans who, as previously reported, remain unable to return to their hometown.

On 30 and 31 January, United Nations, European Union and World Bank representatives will participate with Libyan ministers, officials and civil society in a workshop aimed at aligning assistance from the international community with the Government's urgent priorities. The Government has decided that this should focus on seven Government priorities outside the security sector, namely, civil society and media, elections, public administration, public financial management, social service delivery, strategic communications and transitional justice. We expect that the workshop will determine whether the Government wishes to proceed with assessments of needs in those areas, and its future framework for coordination of international assistance.

Following the Government's identification of its priorities, and the ministries' efforts to identify their objectives and targets for a national transitional plan, the United Nations has been assisting the Deputy Prime Minister's Office and the Ministry of Planning regarding coordination within the Government and with respect to international assistance. That has included meetings between United Nations country team members and ministries to link agencies with their respective counterparts, so that United Nations recovery and development activities are in line with their priorities.

I am very pleased to inform members of the Council that, on 10 January, the status of mission agreement was signed by the Minister for Foreign Affairs and International Cooperation, Mr. Ashur Saad Bin Khayyal, and myself. The signature of the agreement in such a short period of time since the establishment of the Mission in mid-September and the formation of the interim Government in late November is a reflection of the excellent relationship already established. Meanwhile, we have consulted Libyan authorities regarding the role of UNSMIL beyond its current mandate, and are finalizing the integrated mission planning process, which will be reflected in the Secretary-General's recommendations in the report to be submitted to the Council by the end of February.

I think that it is not hard to understand the contexts of the difficulties facing Libya's interim authorities, which have been manifested in recent days. They do indeed require determined political management by transitional leaders, who must be given the space to address their internal priorities, rather than the longer-term interests of external actors. UNSMIL remains focused on supporting them in those key challenges, and that will be reflected in the proposals that I look forward to discussing with the Council on the basis of the Secretary-General's recommendations in March.

The President: I thank Mr. Martin for his briefing.

I now give the floor to Ms. Pillay.

Ms. Pillay: I thank the Council for the invitation to brief it on human rights developments in Libya. I welcome the ongoing attention given by the Council to this fragile country situation.

Through their courage and resilience, the Libyan people have emerged from 42 years of systematic human rights violations. In the weeks that followed the declaration of liberation, the challenge before them has been to create the conditions necessary for achieving long-term stability and security and to ensure respect for the rule of law and human rights. In that regard, the development and implementation of inclusive, transparent and victim-centred transitional justice policies is essential.

Importantly, the interim authorities have repeatedly expressed their commitment to human rights and have taken some encouraging steps. In November 2011, Interim Prime Minister Abdurrahim El-keib told the media that his Government would "build a nation that respects human rights and does not accept the abuse of human rights". He noted that they need time to put that into practice. As Mr. Martin said, in December the National Council for Public Liberties and Human Rights was established.

In addition, the authorities have begun undertaking the arduous task of legal reform and the adoption of new legislation. Of relevance in that regard is the adoption of a law on transitional justice, as yet to be made public, on which the Office of the United Nations High Commissioner for Human Rights (OHCHR) provided extensive comments through our staff in the United Nations Support Mission in Libya (UNSMIL). I commend the Libyan authorities for their sense of urgency in addressing pressing issues by means of strengthening the legal framework. Before new laws are enacted, care needs to be exercised to ensure their compliance with international human rights standards and to undertake wide consultation on their provisions with all relevant actors and stakeholders.

At the same time, the human rights situation remains of concern and requires increased vigilance by, and sustained assistance from, the international community. Undoubtedly, immense challenges lie ahead. The interim Government still does not exercise effective control over the revolutionary brigades, and that has human rights repercussions in a number of areas. Light and heavy weaponry in the hands of such brigades pose a threat to public security and the protection of the human rights of the population.

A related area that I am extremely concerned about is the conditions of detention and treatment of detainees held by various revolutionary brigades. The International Committee of the Red Cross visited more than 8,500 detainees, in approximately 60 places of detention, between March and December 2011. The majority of the detainees are accused of being Al-Qadhafi loyalists and include a large number of sub-Saharan African nationals. The lack of oversight by the central authorities creates an environment conducive to torture and ill-treatment. My staff have received alarming reports that that is happening in the places of detention that they have visited.

It is therefore urgent that all detention centres be brought under the control of the Ministry of Justice and the General Prosecutor's Office. Moreover, a structure and process for the judicial screening of detainees should be put in place immediately so that those detainees held without any legal basis can be released, while others receive a fair trial.

The interim Government has made some effort to address the existing legal vacuum. For example, on 29 November 2011, the Minister of the Interior issued a decision stipulating which authorities have jurisdiction to arrest, detain and investigate. In addition, in December, the Minister of Justice reported that the judicial police had assumed control over six detention facilities. However, detainees continue to be held in unacceptable circumstances outside any legal framework or the protection of the State.

The situation of persons subjected to internal forced and involuntary displacement also remains an area of concern. The United Nations estimates that, as of January, 60 per cent of Libyans have been able to return to their homes in the towns of Bani Walid and Sirte since the end of the fighting. However, several other groups are unable to return home for fear of reprisals. For example, some 35,000 residents of Tawergha who are accused by residents of the nearby town of Misrata of involvement in serious crimes are housed in camps or other accommodation across the country. Many of the men are held by revolutionary brigades in detention, where many have reported being subject to torture.

Let us not forget the situation of women in Libya. Despite some gains for women's rights in previous years, inequality and discrimination in many areas of women's life persist in law and practice. Diverse views exist within Libyan society as to the status of women and their role in society. In the light of the recent decision of the National Transitional Council not to stipulate a minimum percentage for the representation of women in the National Congress, I would like to emphasize that facilitating their stronger representation in public life will be an essential step towards ensuring that the revolution brings meaningful achievements for women and girls across the country.

In addition to addressing ongoing human rights concerns, Libyans are faced with the enormous challenge of addressing past abuses. Those include violations committed during the former regime, as well as violations of international human rights and international humanitarian law committed during the conflict, as documented in the first report of the international commission of inquiry on Libya, mandated by the Human Rights Council (see A/HRC/17/44).

We must not forget that the Libyan people rose up in order to remove a tyrannical ruler whose regime committed atrocious human rights violations against its

people. Torture, unlawful killings and enforced disappearance were widely practised. The families of the disappeared, including over 1,200 prisoners allegedly killed in the 1996 Abu Salim prison massacre, continue to wait for the truth and for justice to be done. Acts amounting to the mere exercise of freedom of expression and association frequently resulted in the death penalty, including after unfair trials before the People's Court and, later, the State Security Court.

I commend the Libyan authorities' stated commitment to transitional justice processes and mechanisms, as they would enable Libya to deal with such abuses. We stand ready to provide assistance. Those processes should lead to the legislative and institutional reforms, including within the security sector, required to ensure justice, accountability and reparations for victims and guarantees of non-repetition, in compliance with international human rights standards. Moreover, international law requires the prosecution of individuals who may be criminally responsible for international crimes.

Furthermore, there remain outstanding questions regarding possible civilian deaths resulting from NATO operations. The commission of inquiry is currently investigating such allegations. Any findings that it reaches will be important in shedding light on the extent to which NATO forces took all feasible measures to protect civilians in all their military operations. Information so far indicates that NATO made efforts to keep civilian casualties to a minimum, but where civilians have been killed and injured, the Alliance should disclose information about all such events and the remedial actions undertaken.

Current investigations by the commission also seek to deepen initial findings into the question of sexual violence, in particular, to ascertain the extent and whether cases were linked to incitement by the command of either side. I call upon all sides, including NATO, to cooperate fully with the commission of inquiry in the current final phase of their investigations into those and other issues.

In that phase of the commission's investigations, members of the Secretariat and the commissioners are currently in Libya to conduct the last of three missions. On 9 March, the commissioners will discuss the findings of their final report with members of the Human Rights Council.

Following the publication of that second report, the focus should be on the implementation of all recommendations issued by the commission. With the support of my Office, the Human Rights Section within UNSMIL, as mandated by the Council, will play an important role in that regard.

In addition to providing Secretariat support to the commission, in October I sent two senior OHCHR staff members to Tripoli, Benghazi and Misrata on a one-week mission to assess needs and to assist in setting the priorities of the human rights component within UNSMIL. Particular attention was given to the issues of transitional justice, detention, women's rights, minorities, migrants, racism and xenophobia in their discussions with Government representatives and emerging civil society actors. With the establishment of the Human Rights Section within UNSMIL, headed by my representative, I deployed OHCHR staff members on a temporary basis to bolster capacity. I have initiated a consultancy to strengthen civil society capacity in monitoring and advocating for human rights protection.

Allow me to conclude by stressing the following points. First, urgent steps need to be taken to put an end to current abuses, particularly those occurring in detention.

Secondly, I welcome the priority attention given by the authorities to transitional justice processes and mechanisms, and encourage them to expeditiously make their commitment to transitional justice a reality. The processes and mechanisms must address abuses committed both by the former regime and by all actors during the conflict, and must be established after an informed national consultation.

Thirdly, in the major undertakings of the coming weeks and months, the authorities should use civil society activists and organizations, including women's and youth groups, as a key resource in addressing a range of social and political challenges. Thorough consultations with civil society groups will be critical in developing lasting solutions to today's challenges.

Finally, I would like to reiterate my Office's commitment to continuing to support the Libyan people in realizing their rights. Working together, UNSMIL, the Human Rights Section and OHCHR headquarters are ready to respond to requests for technical assistance, for example, in the area of legal and institutional reform; to help in consultation

processes; to build capacities, including those of key State institutions, such as the police, the judiciary and penitentiary institutions; and to monitor and report on human rights developments.

Ultimately, the task of the Libyan people is to forge their own future on a firm basis of respect for the rule of law and international human rights standards.

The President: I thank Ms. Pillay for her briefing.

I now give the floor to the representative of Libya.

Mr. Shalgham (Libya) (*spoke in Arabic*): I would like to thank you, Sir, for convening this meeting so that we can follow the developing situation in Libya. I would like to welcome Mr. Ian Martin and to thank him for his efforts in Libya. I can say that he has been able to build a strong relationship with the parties concerned. Every time he visits Libya, I meet and speak with him. I believe that his approach will produce optimal results. I would also like to thank Ms. Pillay for her presence here and for her efforts to assess the situation in Libya.

All Council members are aware of what happened in Libya. We experienced an atrocious war, in which acts were committed that run counter to the nature of Libyan society and our Arabic and Islamic culture and precepts. Massacres and rapes were carried out on the orders of Muammar Al-Qadhafi. In one family, the father, grandfather and daughter were raped on Al-Qadhafi's orders. In Zuwara, young girls, aged 14 and 15, were raped, their bloodied and naked bodies thrown into the streets. That was truly a tragedy.

The situation is not bright. There are complications and problems. There is an interim Government and a National Transitional Council (NTC). There is power without legitimacy and legitimacy without power. There are armed young people who need structure and leadership. There are detention centres that we are unaware of, and not subject to, State control. We do not accept and condemn the use of such detention centres. However, the key point is that we will not accept mistakes, nor will we attempt to hide them. Errors have been made and there have been transgressions and complications, but we do not condone or accept them. We will make changes.

There is an electoral law, on which Mr. Abdel Jalil has said that 14,000 comments had been made. I have a number of comments myself and I have shared them with Mr. Jalil. The question of exclusion has been completely rejected. We have simply said that those whose hands have been stained with Libyan blood and those who have stolen money from the Libyan people will face justice. As an Ambassador and Minister under Al-Qadhafi, I will be the first to subject myself to any such judicial proceeding.

We have an interim justice law, which is not yet in full force. There are approximately 8,000 prisoners being held in Tripoli. We have spoken to our brothers there and have said that all individuals who did not commit a crime or who did not participate in any massacres can obtain their passports without delay, but be placed under surveillance.

The 17 February revolution was launched in order to protect laws and human rights. In Benghazi, the revolution was sparked by the Abu Salim prison massacre. It was a revolution for justice and human rights. Ms. Pillay and Mr. Martin did not distinguish between the Tuaregs from near Misrata and those from Algeria; the two groups are quite often confused. The Tuaregs are Libyan citizens who were not affected, but Al-Qadhafi did call on the Tuaregs of Mali and Niger to serve him. We requested that the latter return to their homes. The Libyan Tuaregs, however, are respected people and will remain at home in Libya. The Tuaregs, who originated from black Africa, remained near Misrata following the abolition of slavery. They were not targeted because they were black, but because they supported Al-Qadhafi and took part in rape and other crimes in Misrata. I attempted to bring about reconciliation, but ran out of time. We have asked the religious leaders to intervene for the purposes of reconciliation in Benghazi and Tripoli, and hope that a solution will be found in the near future.

In terms of administrative issues in Libya, I personally believe that we have been slightly off the mark. The country was not divided into governorships or even into states, which creates complications in terms of organizing elections. There is some confusion in that regard. I spoke with Mr. Martin the day before yesterday and told him that it was possible for him and his team to look into those issues and into administrative preparations in Libya.

Armed combatants must not be forgotten. They are the ones who launched the revolution. They are the ones who made the sacrifice. Either we establish a consultative council for them, or some of them can become members of the National Transitional Council. Some are doctors, university professors and lawyers. We cannot exclude or marginalize them. That would be unthinkable. We cannot manage Libya with a single group of people who have lived outside our country for more than 30 years and who are unfamiliar with it. We have said as much in all frankness to our Libyan brothers.

In terms of reconciliation, that is an extremely important issue. The role of reconciliation can be assumed by religious leaders, elders and experts, following the examples set by South Africa or the Kingdom of Morocco. Reconciliation is extremely important. We must reject any exclusionist policy in that process.

Turning to the question of women, statistics show that women account for more than 53 per cent of Libya's population. A reference was made earlier to the 10 per cent rate of political participation by women. I believe that those quotas have been eliminated. In the African Union, we have a gender-based decision that substantially increases the quota for women's legislative and political participation to 50 per cent. We have therefore done away with that 10 per cent quota.

If we want to build a modern society, we cannot leave women out of it, nor can we disregard their role. That is not part of Islamic law. Islam does not leave women out or discriminate against them. Progress cannot be achieved through discrimination. We need at least 30 per cent representation of women, but if we deny the role of women, then we will not see development. In Egypt, in Libya and in Tunisia, women say that they will not vote for someone who does not hear their voice. Vote and voice are actually the same word in Arabic: "saut". So we have to address this issue of women, and we must do so courageously and loudly.

Progress and freedom cannot begin by looking backwards. There was a religious movement in Europe after the Second World War. After such developments, people look to religion and values. That is positive. What we are seeing here are the basic principles and values of Islam — tolerance, co-existence, forgiveness. But Islam does not mean slavery, nor does it mean mutilation or stoning as punishment. We want the values and precepts of Islam. The Koran stipulates tolerance, forgiveness, kindness towards the family and orphans, and punishment for those who commit murder or who deprive others of their lives or prosperity. Those are the values that we need, not the rhetoric of vengeance.

In Bani Walid, for example, there were several incidents. There is, of course, the whole background with pro- and anti-Qadhafi forces. Some members of my delegation are from Bani Walid, and yes, after 42 years of a closed society and of repression and spilled blood, there were certain internal incidents.

In general terms, there is one overall positive aspect, which is the great freedom that is felt in Libya today, thanks to the new openness and the process of discussion. Democracy makes it possible to manage and handle differences in opinion. Dictatorship imposes agreement. This process of managing differences is something new for us. From its very beginnings, Libya has never had political parties or unions, not even under the king. Only for one year, when it was a British protectorate, did we have political parties. Things take time. Naturally, we have problems. However, freedom, democracy and openness are in full bloom, and the Libyan people yearn for progress.

We are a nation of only 7 million. We have important resources, including human ones. More than 20,000 Libyans have studied in American universities. More than 90 per cent of Libyan women are educated, as are 95 per cent of the men. We also have important natural resources at all levels.

As to the NATO victims, there were four incidents. In Brega, NATO bombarded revolutionary tanks. The commander of the forces told me at the time that the revolutionaries had been conducting an unprogrammed manoeuvre and had thus become victim of the bombing. After another important incident, Al-Qadhafi said that NATO had bombed civilians, but he sent his troops into places such as schools and hospitals where there were civilians. There was also another incident, for which NATO apologized. As to the remainder, one of those responsible had stored weapons in a private home, and that home was supposedly bombed by NATO, even though we have information that it was Al-Qadhafi himself who bombed the house. This is under investigation.

I have a memory I would like to share. There were 1,800 telephone calls between Al-Qadhafi and Mr. Al-Mahmoudi, the Prime Minister at the time, and Mr. Al-Mahmoudi asked the head of the Al Khadra Hospital to put the bodies of Al-Qadhafi's victims in locations that had been bombed by NATO. The head of the hospital responded by saying that the victims' families were refusing to do that. There was a conversation between a father and his son, and the father was saying that his son had been wounded by NATO when the mother's voice was heard from behind saying that that was a lie, and that her son had been injured in a car crash. I repeat, there were 1,800 conversations, which we will transcribe and send the Council a copy. People say that they have opened empty graves and that there were no more bodies to put in them.

On 25 February I said that by March, if NATO did not intervene, Benghazi would become the largest mass grave in the world. Al-Qadhafi had sent a 60-kilometre-long military column to destroy Benghazi. I hope that the accusations against NATO will not be used as an excuse to protect other tyrants. I hope that does not happen.

We all know history. We all know how Poland and France were liberated from Nazism, and how Kuwait rid itself of Saddam Hussein. One of the physicians who was very close to Muammar Al-Qadhafi told me that NATO was so precise that if they wanted to cut off one ear they could leave the other one intact.

As to the list of names, the Palestinian Centre for Human Rights, the Arab Association for Human Rights and the Public International Law Group came to see us in Libya. We opened the doors of prisons and hospitals to them and they undertook investigations, including of NATO activities.

Two hours ago, I received a message from Tripoli concerning civilian victims of NATO. We have already established a commission to consolidate information and data from the National Transitional Council, the Minister for Foreign Affairs, the Ministers of Defence, Justice and the Interior, and the Human Rights Council, as Ms. Pillay has stated, so that information can be gathered from sites that were targeted by NATO.

Secondly, there will be consultations with Ambassador Dirk Brengelmann, NATO Assistant Secretary General, who is currently in Libya and has begun talks with the Minister for Foreign Affairs today.

The new Libya is prepared to cooperate with any international investigating body under the auspices of the United Nations. We intend to establish a mechanism to indemnify victims with financial and moral support once we have obtained the results of the investigations. All investigation results will be made public.

One of my assistants showed me orders to burn me and all the members of my family in my village. One of my nephews was found dead. One of my cousins was slain; another saw all his family members gunned down. Had it not been for the protection of the revolutionaries from the north and for NATO, my entire tribe would have been killed. More than 500,000 people would have died in Benghazi. In one hour, 95 people were killed in Benghazi by Al-Qadhafi forces. Two MiG planes bombed Benghazi, and that was not the act of NATO forces. In one month, Misrata, Brega, Ajdabiya, Zawiya, Fashloom and other towns were destroyed. Graves were opened and robbed. NATO did not do that.

With respect to the rhetoric about Christians and Crusaders within the NATO forces, there were people from Qatar, Jordan and the United Arab Emirates who fought together with us. They were not part of a crusade; that was slander promoted by Al-Qadhafi. Al-Qadhafi referred to an older woman who was supposedly the mother of Shalgham — myself — and was reported to have said that she did not wish to recognize him any more. But my mother died more than 10 years ago. It was a lie.

I have spoken frankly. We are not hiding the truth. We have been telling the good and the bad. Once again, on behalf of the Libyan people, I would like to thank the Council for its courage in coming to the salvation of Libya. I thank all countries that sent planes and soldiers to assist and save Libya. King Idris and Al-Qadhafi sold oil to Europe and to America, and we will do so too. There is not one single foreign soldier on Libyan territory, so it is not worthwhile exploring that issue further.

On behalf of the Libyan people, I would like to thank the Council for its great, historic decision to save my homeland.

The President: There are no further names inscribed on my list. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 11.45 a.m.